IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 7990 of 2005

Terminal Bhaji Mandai Hamal,
Mapadi, Mathadi Kamgar Union ..Petitioner

vs.

1. The Agricultural Produce
Market Committee, Solapur
and others ..Respondents

Shri S.D.Thokade for petitioner.
Shri G.S.Godbole for respondent nos. 1 and 2
Smt.A.N.Helekar for respondent no.3.

CORAM: V.G.PALSHIKAR,Acg.C.J.&
D.B.BHOSALE J.
24th NOVEMBER, 2005

P.C.

. By this petition, the petitioner which is the Union of Mandai Hamal, Mapadi, Mathadi Kamgar Union, complains that the Resolution passed by Agricultural Produce Market Committee, Solapur on 26th October, 2005 resolving that persons desirous of applying for licence as weighmen should apply for all commodities available in the Market Committee or the Committee would issue licence to all covering all products.

2. Objection is taken to this Resolution on the ground that the work done by the members of the Union is a specialised work and the skill required cannot be vested by giving such a

pervading licence. An appeal as provided by the Act against this Resolution was carried and the Director who is the Appellate Authority has dismissed the appeal also. It is this appellate order and the original resolution which are impugned in this petition.

3. What is claimed as a right is the objection which a weighman has under the Act to apply for licence to be a weighman in relation to a particular commodity. It is open for the committee to grant the licence for that commodity or for some other commodity. This aspect was considered by the Division Bench of this Court in Writ Petition No.500 of 1999. In para 2 of the judgment the Division Bench considered the provisions of the Act and Rules and has observed thus:

> "Perusal of the provisions of sub-rule (1) of Rule 7 shows that a person who desires to make an application for licence is free to make an application for a licence in relation to one or more of the Agricultural produces, marketing of which is regulated by the Market Committee. Perusal of the form which is

> prescribed by the byelaws for making an application shows that in that application, the person seeking licence has to indicate the agricultural produce in relation to which he desires to operate as a weighmen. The person of course is free to apply for a licence in relation all the agricultural produce. Consequently, the market Committee is free to grant licence to the weighmen either for some specified agricultural produce of for all agricultural produce."

4. Then the Division Bench further observed that:

> "the contention raised on behalf of the Committee that even the persons who have been permitted to operate in one particular market, adoption of rotation system becomes necessary.

Then we quote:

> " It is however clear that so far as the Market Committee has not taken a clear policy decision as to which system it desires to follow in future so that the

> person who desire to operate as weighman in its market can act accordingly. As this is a matter of policy decision to be taken by the Market, Committee, in our opinion, interest of all the parties would be best served by leaving policy decision to be taken by the Market Committee itself."

5. From the above it is clear that the choice is given to the weighmen to apply for a particular commodity or all the commodities and choice is with the Committee also to decide as a matter of policy whether it should be given itemwise or a rotating system be adopted. The impugned Resolution of 26th October, 2005 is a policy decision by which it is decided by the Committee to rotate the work amongst the weighmen who are the members of the petitioner Union. That decision being the policy decision cannot be subjected to judicial challenge unless it is perverse or wholly illegal. From the judgment of the Court quoted above, it is clear that it is neither perverse nor illegal. Same is the case with the order of the Director. Therefore, there is no reason to interfere as prayed for. Petition is dismissed. Interim order stands

vacated. Petitioner shall pay cost of Rs.2500/- to the respondents.